

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA,)	
)	
)	
v.)	Criminal Action No. 12-10157-RGS
)	
IWAULA BLESSING)	
)	
<u>Defendant.</u>)	
_____)	

ORDER ON MOTION TO COMPEL

February 4, 2013

SOROKIN, M.J.

Defendant moves to compel five categories of information or documents, specifically reports and other information from separate prosecutions of other persons in Texas. The information arises out of the activities of Person A, prior to the allegations in the Indictment, in Texas during which Person A committed substantially similar fraud(s) to that alleged in the Indictment. Defendant had no involvement whatsoever in these activities. Person A was convicted of fraud in federal court in Texas and testified at trial against co-defendants. Defendant has a copy of this trial transcript. Person A, among other things, testified that: prescriptions in Texas, similar to the prescriptions at issue in this case, looked good or valid; and that he had no dealings with a Dr. Gibson (the author of prescriptions at issue in this case).

Counsel agree that if the government calls Person A at trial then the government will have to disclose all or most of the information sought by the Defendant no later than twenty-one days before trial as impeachment information. However, the government reports that it is "highly

unlikely” it will call Person A at trial. Defendant presses the motion on the grounds that the information sought is exculpatory by supporting his claim that he lacked the necessary intent or knowledge to commit the fraud. The Motion is DENIED. The activities of Person A prior to working with Defendant are not relevant let alone exculpatory in this case when Defendant was unaware of the activities at the time and had no involvement in the activities. Nor has defendant established that what Person A did or did not do in Texas tends to show a lack of knowledge or intent on Defendant’s part here.

Accordingly, the Motion to Compel (Docket #32) is DENIED.

/s/ Leo T. Sorokin
LEO T. SOROKIN
United States Magistrate Judge